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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS BROWNE,
PAULETTE KRELMAN, PGB
INTERNATIONAL, LLC, and JPMORGAN
CHASE BANK, N.A.,

Defendants,

and

JOHN DOES (1-10) and ABC CORPORATIONS
(1-10),

Additionally Defendants
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

**DECLARATION OF JOHN M.
AUGUST IN FURTHER SUPPORT
OF MOTION TO HOLD ARTHUR
KUPPERMAN IN CONTEMPT AND
FOR RELATED RELIEF**

Hearing Date: September 10, 2007

JOHN M. AUGUST, declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an associate with the law firm of Herrick, Feinstein LLP ("HF"), attorneys for defendant JPMorgan Chase Bank, N.A. ("Chase") in the above matter. I make this declaration in further support of Chase's motion to hold defendant Arthur Kupperman in contempt and for related relief (the "Motion").

2. Attached hereto as Exhibit A is a copy of a subpoena (the "Deposition Subpoena") directed to an officer or director of IFIG USA, Inc. ("IFIG").

3. Attached hereto as Exhibit B are copies of the documents produced by IFIG in response to the Deposition Subpoena.

4. I compared the customers listed on the IFIG invoices attached hereto as Exhibit B to the list of PGB's customers obtained through discovery in this matter. The following twenty-one customers listed on the IFIG invoices were also PGB's customers:

- a. MarBran USA,
- b. Greenwood Associates, Inc.,
- c. VIP Foods USA,
- d. Yoder's Homestyle Jams,
- e. Frenzel Oderland,
- f. Old Orchard Brands, LLC,
- g. Department of Correctional Services,
- h. James W. Valleau & Co.,
- i. Beverage Acquisition LLC,
- j. Langer Juice Company,
- k. Old Dutch Mustard Co., Inc.,
- l. Organic Ingredients Inc.,
- m. Countryside Jam House,
- n. Florida Key West, Inc.,
- o. Lakeside Food Sales,
- p. Preferred Meals,
- q. Juice Pac, Inc.
- r. Siroperie Meurens,
- s. Carriage House Foods,

t. Leahy Orchards Inc.,

u. H.C. Brill Company, Inc..

5. It is possible, however, that all twenty-eight customers listed on the IFIG invoices were customers of PGB, but Chase has not yet been able to so confirm.

I declare under penalty of perjury that the foregoing is true and correct.

Attorneys for JPMorgan Chase Bank, N.A.

By: /s/ John M. August
John M. August

Dated: October 8, 2007